

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

PHILLIP DOUGLAS JACOBS

Petitioner,

-v-

**WARDEN, Marion Correctional
Institution**

Respondent.

Case No. C-3:11-cv-029

**Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington**

**ENTRY AND ORDER DENYING JACOBS' MOTION TO ALTER OR
AMEND (Doc. #17); OVERRULING JACOBS' OBJECTIONS (Doc. #17)
TO THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATIONS REGARDING JACOBS' DESIRE TO APPEAL IN
FORMA PAUPERIS; ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATIONS (Doc. #14) IN ITS ENTIRETY
AND DENYING JACOBS LEAVE TO APPEAL IN FORMA PAUPERIS**

This matter comes before the Court pursuant to pro se Petitioner Phillip Douglas Jacobs' ("Jacobs'") Objections (doc. #17) to Magistrate Judge Sharon L. Ovington's Report and Recommendations (doc. #14) regarding Jacobs' desire to appeal in forma pauperis. This matter also comes before the Court pursuant to Jacobs' Motion To Alter or Amend this Court's Decision and Order on his previous Motion To Alter or Amend. (Doc. #17)

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that Jacobs' Motion To Alter or Amend this Court's Decision and Order on his previous Motion To Alter or Amend is without merit and is thus OVERRULED. Further, upon said review, Jacobs' Objections to the Magistrate Judge's Report and Recommendations regarding his desire to appeal in forma pauperis are not well-taken, and they are hereby OVERRULED.

The Magistrate Judge's Report and Recommendations is adopted in its entirety.

Jacobs' latest Motion To Alter or Amend is **OVERRULED**. Further, pursuant to 28 U.S.C. § 1915(a)(3), Jacobs' Appeal is not taken in good faith, and, therefore, Jacobs may not proceed in forma pauperis. The captioned cause shall remain terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Fourth Day of May, 2011.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Phillip Douglas Jacobs at his last address of record